

DISCLAIMER

This electronic version of an SCC order is for informational purposes only and is not an official document of the Commission. An official copy may be obtained from the [Clerk of the Commission, Document Control Center](#).

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, FEBRUARY 5, 2001

APPLICATION OF

SPHERA OPTICAL NETWORKS
(VIRGINIA) N.A., Inc.

CASE NO. PUC000256

For certificates of public
convenience and necessity to
provide local exchange and
interexchange telecommunications
services

FINAL ORDER

On September 19, 2000, Sphera Optical Networks (Virginia) N.A., Inc. ("Sphera" or "Applicant"), filed an application for certificates of public convenience and necessity ("certificates") with the State Corporation Commission ("Commission") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. The Applicant also requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia.

By Order dated October 17, 2000, the Commission directed the Applicant to provide notice to the public of its application, directed the Commission Staff to conduct an investigation and file a Staff Report, and scheduled a public hearing to receive evidence relevant to Sphera's application.

On October 27, 2000, Sphera filed its proof of service and subsequently filed its proof of publication on December 4, 2000, as required by the Commission's October 17, 2000, Order.

On January 17, 2001, the Staff filed its report finding that Sphera's application was in compliance with 20 VAC 5-400-180, the Rules Governing the Offering of Competitive Local Exchange Telephone Service ("Local Rules"), and 20 VAC 5-400-60, the Rules Governing the Certification of Interexchange Carriers ("IXC Rules"). Based upon its review of Sphera's application and unaudited financial statements, the Staff determined it would be appropriate to grant both local exchange and interexchange certificates to the Applicant subject to three conditions: (1) any customer deposits collected by Sphera be retained in an unaffiliated third-party escrow account until such time as the Staff or Commission determines it is no longer necessary; (2) Sphera shall provide audited financial statements of its parent, Sphera Optical Networks, Inc., to the Staff of the Division of Economics and Finance no later than one (1) year from the effective date of Sphera's initial tariff; and (3) at such time as voice services are initiated by the Company, Sphera shall comply with all requirements of § C (Conditions for certification) of the Local Rules.

A hearing was conducted on January 31, 2001. At the hearing, the application and accompanying attachments and the

Staff Report were entered into the record without objection. No public witnesses appeared. By counsel, Sphera agreed to the conditions contained in the Staff Report.

NOW UPON CONSIDERATION of the application and the Staff Report, the Commission finds that Sphera's application should be granted. Having considered § 56-481.1 of the Code of Virginia, the Commission also finds that Sphera may price its interexchange telecommunications services competitively.

Accordingly, IT IS ORDERED THAT:

(1) Sphera Optical Networks (Virginia) N.A., Inc., is hereby granted a certificate of public convenience and necessity, No. TT-134A, to provide interexchange telecommunications services subject to the restrictions set forth in the IXC Rules, § 56-265.4:4 of the Code of Virginia, and the provisions of this Order.

(2) Sphera Optical Networks (Virginia) N.A., Inc., is hereby granted a certificate of public convenience and necessity, No. T-539, to provide local exchange telecommunications services subject to the restrictions set forth in the Local Rules and § 56-265.4:4 of the Code of Virginia, and the provisions of this Order.

(3) Pursuant to § 56-481.1 of the Code of Virginia, Sphera may price its interexchange telecommunications services competitively.

(4) Sphera shall provide tariffs to the Division of Communications that conform to all applicable Commission rules and regulations.

(5) Should Sphera collect customer deposits, it shall establish and maintain an escrow account, held by an unaffiliated third party, for such funds and shall notify the Division of Economics and Finance of the escrow arrangement. Any escrow arrangement established pursuant to this Order shall be maintained for such time as the Staff or Commission determines it is necessary.

(6) Sphera shall provide audited financial statements of its parent, Sphera Optical Networks, Inc., to the Division of Economics and Finance no later than one (1) year from the effective date of Sphera's initial tariff.

(7) At such time as voice services are initiated by the Company, Sphera shall comply with all requirements of § C (Conditions for certification) of the Local Rules.

(8) There being nothing further to come before the Commission, this case shall be dismissed and the papers herein placed in the file for ended causes.